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1958

December 1

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CONCORD, N.H.

Walter F. St. Clair, Secretary
Board of Examiners of Psychologists
999 Hammoth Road
Manchester, New Hampshire

Dear Mr. St. Clair:

This is in reply to your letter of November 25, 1958, in which you request our opinion as to when a certain individual becomes a legal resident of New Hampshire under the provisions of RSA 330-A:11, III (supp), which reads in part as follows:

"Until July 1, 1959, the board may waive examination requirement . . . and may grant a certificate . . . to a person who is a legal resident or has been principally employed in the state of New Hampshire for at least two years . . ."

You state that the individual in question formerly resided in New York State but has resided in Durham, New Hampshire since reporting to the University this Fall for a position as assistant professor.

The answer to your question lies in a determination of the intent of the individual concerned with regard to where he intends to make his home. Generally speaking, a person becomes a legal resident of this State whenever he actually takes up his residence here with the intention of making this State his home. This does not necessarily require that he must have a fixed purpose in mind to remain here for the rest of his life; the requirement is satisfied if the state of his mind is such that he regards New Hampshire as his home for the indefinite future and at the moment has no fixed plans to remove to another State.

From the above it will be seen that this individual may well have become a legal resident of New Hampshire within the meaning of the above statute on the very day he moved to this State. Even if his intent with regard to making his home was not such as to qualify him

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Walter F. St. Clair, Secretary

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as a legal resident at that time he may nevertheless have become a legal resident at some time subsequent thereto by acquiring the necessary intent. It is true that in some cases a statute will require that a person not only be a legal resident of the state but that he be such for a certain period of time. However, in the absence of some definite period of residence set by the statute there is nothing to prevent a person from becoming a legal resident on the very day he moves to New Hampshire, as explained above.

Sincerely yours,

John J. Zimmerman
Assistant Attorney General

JJZ/lt